

FILED

MAR 27 2013

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

ROWDY D. ANDERSON,

Petitioner,

vs.

WARDEN LEROY KIRKEGARD and
the ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondent.

CV 12-06-H-DWM-RKS

ORDER

Before the Court are the findings and recommendations of United States Magistrate Judge Keith Strong regarding Petitioner Rowdy D. Anderson's petition for writ of *habeas corpus*.

As explained by Judge Strong, Petitioner has not shown cause why this action should not be dismissed as moot. A number of letters mailed to Petitioner's address of record by the Court have been returned undeliverable, with "deceased" written on the envelope of at least one. Accordingly, on October 18, 2012, Petitioner was ordered to show cause why the action should not be dismissed as moot under *Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998), for failure to maintain a mailing address pursuant to L.R. 5.2(b), or for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Petitioner did not respond to the order. Dismissal is appropriate

and denial of a certificate of appealability is warranted as it is clear the Court does not have a current mailing address for Petitioner.

In accordance with the foregoing, IT IS ORDERED that Judge Strong's findings and recommendations (doc. 16) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Petitioner Rowdy D. Anderson's petition for writ of *habeas corpus* is DENIED. A certificate of appealability is DENIED. The Clerk of Court is directed to close the case and enter judgment against Petitioner by a separate document pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 27th day of March, 2013.

A handwritten signature in black ink, appearing to read "Molloy", written over a horizontal line.

Donald W. Molloy, District Judge
United States District Court